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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/705,035	11/02/2000	Haruo Oba	112857-265	6839
29175	7590	05/17/2006	EXAMINER	
BELL, BOYD & LLOYD, LLC			MICHALSKI, JUSTIN I	
P. O. BOX 1135			ART UNIT	
CHICAGO, IL 60690-1135			PAPER NUMBER	
			2615	

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/705,035	OBA ET AL.	
	Examiner	Art Unit	
	Justin Michalski	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 8 and 10 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 11 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 22 March 2006 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemaire et al. ("Lemaire") (US Patent 5,444,768) in view of Haynes (US Patent 6,118,882).

Regarding Claim 1, Lemaire discloses a portable acoustic device capable of downloading stored audio data and recording audio information through jack 37 for storage in unit 12. Lemaire does not disclose transmitting the signal for storage through the body. Haynes discloses a portable acoustic device comprising: means for generating an audio modulated signal modulated in a band in which a signal is

Art Unit: 2615

transferred by using a human body of a single user (Col. 1, lines 34-40); a first electrode (24) for outputting the generated audio modulated signal; a second electrode (36) for receiving the audio modulated signal transferred through the first electrode and then through the body of the single user, with a transmission path of the audio modulated signal not being capacitively coupled to ground; means for demodulating the audio modulated signal received by the second electrode (Col. 1, lines 53-58); means for generating audible sound according to the demodulated signal (earphones of Fig. 1); wherein the second electrode is adapted to receive the audio modulated signal sent from an audio signal transmission apparatus (12). Haynes further discloses transmitting signals such as a microphone (Fig. 20) and data (Col. 9, lines 62-67) through the body without cables and connectors to avoid unsightly transmission leads (Col. 1, lines 25-29). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to download audio data to a portable acoustic device through the body in order to avoid the use of unsightly and burdensome leads.

Regarding Claim 2, Lemaire discloses a portable acoustic device capable of downloading stored audio data from a transmission apparatus and recording audio information through jack (i.e. 1st electrode) 37 for storage in unit 12. Lemaire does not disclose transmitting the signal for storage through the body. Haynes discloses a portable acoustic device comprising: a second electrode (36) for receiving the audio modulated signal transferred through a body; means for demodulating the audio modulated signal received by the second electrode (Col. 1, lines 53-58); means for generating audible sound according to the demodulated signal (earphones of Fig. 1);

wherein the second electrode is adapted to receive the audio modulated signal sent from an audio signal transmission apparatus (12). Haynes further discloses transmitting signals such as a microphone (Fig. 20) and data (Col. 9, lines 62-67) through the body without cables and connectors to avoid unsightly transmission leads (Col. 1, lines 25-29). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to download audio data to a portable acoustic device through the body in order to avoid the use of unsightly and burdensome leads.

Regarding Claim 10, Lemaire discloses a portable acoustic device capable of downloading stored audio data and recording audio information through jack 37 for storage in unit 12. Lemaire does not disclose transmitting the signal for storage through the body. Haynes discloses an electrode for receiving an audio modulated signal transferred through a human body of a user (Col. 1, lines 34-40, electrode 36); means for demodulating the audio modulated signal (Col. 1, lines 53-58); wherein a second electrode (36) is adapted to receive the audio modulated signal sent from an audio-signal transmission apparatus (12). Haynes further discloses transmitting signals such as a microphone (Fig. 20) and data (Col. 9, lines 62-67) through the body without cables and connectors to avoid unsightly transmission leads (Col. 1, lines 25-29). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to download audio data to a portable acoustic device through the body in order to avoid the use of unsightly and burdensome leads.

Regarding Claim 7, Haynes discloses an apparatus as stated apropos of claim 2 above. Haynes further discloses a transmission apparatus receiving by an electrode

(24) an audio modulated signal transferred from a predetermined another transmission apparatus (earphone) by using a human body, and demodulates the received audio modulated signal (Col. 2, line 66 through Col. 3, line 14). Haynes does not explicitly disclose the transmission apparatus comprises recording means but discloses the invention could be used for mobile speech recording (Col. 3, lines 15-23). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate recording means into the transmission apparatus to produce a speech recording system as disclosed by Haynes.

Regarding Claim 8, Haynes further discloses transmitting two different signals with two different carrier frequencies (Col. 5, lines 14-15).

4. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haynes/Lemaire as applied to claim 2 above in further view of Coppersmith et al. (Hereinafter "Coppersmith") (US Patent 5,796,817).

Regarding Claims 3 and 4, Haynes/Lemaire discloses an apparatus as stated apropos of claim 2 above but does not disclose the transmission apparatus and receiving apparatus comprising means for storing individual authentication data. Coppersmith discloses a device for transmitting signals through the human body (Figure 2) including a transmitter module containing an ID number (i.e. authentication data) and a receiver module which comprises an authenticator which will inherently store received authentication data from transmitter to process the information. Coppersmith discloses the authentication data is used to prevent unauthorized parties to use devices

Art Unit: 2615

(paragraph bridging columns 2 and 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include authentication data to prevent unauthorized parties to use the transmission apparatus.

Allowable Subject Matter

5. Claims 5, 6, 11, and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


6. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2615.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Michalski whose telephone number is (571)272-7524. The examiner can normally be reached on M-F 7-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571)272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2615

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JIM

May 12, 2006


VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600
5/15/06